

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD FOREMAN,

Plaintiff,

NOTICE OF REMOVAL

- against -

Case No. 18 Civ.

THE DEPARTMENT OF EDUCATION OF THE CITY
OF NEW YORK, THE BOARD OF EDUCATION OF
THE CITY SCHOOL DISTRICT OF THE CITY OF
NEW YORK,

Defendants.

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**TO: THE UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF NEW YORK**

Defendants the Department of Education of the City of New York and the Board of Education of the City School District of the City of New York (collectively, “defendants”), by and through their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, hereby file this Notice of Removal for the removal of an action from the Supreme Court of the State of New York, Kings County, to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1443. In support thereof, defendants respectfully state as follows:

1. On December 14, 2017, an action was commenced in the Supreme Court of the State of New York, County of Kings, under Index No. 524062/2017, naming the above captioned defendants as parties to the action.

2. Defendants were served with a Summons and Complaint on January 17, 2018. A copy of the Summons and Complaint is annexed hereto as Exhibit “A.”

3. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question), in that it alleges claims which arise under the Constitution and laws of the United States.

4. Specifically, the Complaint charges, *inter alia*, that defendants violated plaintiff's federal civil rights under Americans with Disabilities Act, 42 U.S.C. § 12117, and the Family Medical Leave Act, 29 U.S.C. § 2617. See Complaint, Ex. "A" ¶¶ 2-7.

5. The action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

6. This Notice of Removal is timely because it is being filed within thirty days (30) days of receipt of the Summons and Complaint placing the defendants on notice of the plaintiff's federal claims. See 28 U.S.C. § 1446(b).

7. Defendants are unaware of any previous application for the relief requested herein.

8. Defendants will promptly serve a copy of this Notice of Removal on counsel for plaintiff, and will file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending, pursuant to 28 U.S.C. §1446(d).

9. Defendants reserve all claims and defenses, including, without limitation, those set forth in Federal Rule of Civil Procedure 12(b).

WHEREFORE, defendants respectfully request that the above-captioned proceeding be removed from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York.

Dated: New York, New York
February 2, 2018

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
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mpogula@law.nyc.gov

By: /s/ Monica M. Pogula
Monica M. Pogula
Assistant Corporation Counsel

TO: **STEWART LEE KARLIN LAW GROUP**
Attorney for Plaintiff
111 John Street, 22nd Floor
New York, New York 10038
Att: Stewart Lee Karlin

CERTIFICATE OF SERVICE

I, **MONICA M. POGULA**, declare, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury that on February 2, 2018, I served a true and correct copies of the attached **Notice of Removal** and **Civil Cover Sheet** by depositing copies of the same, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York directed to all parties at the addresses listed below

STEWART LEE KARLIN LAW GROUP

Stewart Lee Karlin
Attorney for Plaintiff
111 John Street, 22nd Floor
New York, New York 10038

Dated: New York, New York
February 2, 2018

/s/ Monica M. Pogula

Monica M. Pogula
Assistant Corporation Counsel

Case No. 17 Civ.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RONALD FOREMAN,

Plaintiff,

- against -

THE DEPARTMENT OF EDUCATION OF THE
CITY OF NEW YORK, THE BOARD OF
EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK,

Defendants.

NOTICE OF REMOVAL

ZACHARY W. CARTER

Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-184
New York, New York 10007

Of Counsel: Monica M. Pogula
Tel: (212) 356-2549
Matter No. 2018-003446

Due and timely service is hereby admitted.

New York, N.Y....., 20__

..... Esq.

Attorney for.....